REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed August 11, 2005 (the "Office Action"). The Examiner rejects Claims 1-50. Claims 25, 45, and 50 have been amended to clarify inventive concepts previously present in these claims. These amendments are not considered necessary for patentability. Claims 1-50 are pending in the application. Applicants respectfully request reconsideration and allowance of all pending claims.

The Printer Error in Claim 8 has been Corrected

The Examiner indicated that Claim 8 is objected to because of a typographical or printer error in the beginning of the claim. In the claims presented above, this error has been corrected. Claim 8 is now properly presented as it was in the original application. Applicants respectfully request reconsideration and allowance of Claim 8.

The Claims are Allowable over the Proposed *Barroux-Cotichini* Combination

The Examiner rejects Claims 1-7, 12-13, 17, 24-27, 29, 31, 40 and 44-50 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,182,110 issued to Barroux (*"Barroux"*) in view of U.S. Patent No. 6,300,863 issued to Cotichini, et al. (*"Cotichini"*). Applicants respectfully traverse this rejection for the reasons discussed below.

A. *Independent Claims 1, 46, and 49*

At the outset, *Barroux* is directed to a system for scheduling tasks on a network, such that a user can schedule node-specific survey tasks across the network without specifying particular times for each node. (Col. 1, ll. 50-51) *Cotichini* is directed to a system for monitoring electronic devices using embedded software. (Abstract)

> In contrast, Claim 1 recites:
>
> A job scheduling device for scheduling jobs to run on at least one node of at least one computing platform, comprising:
> an enterprise scheduling agent installed on each node and configured to launch execution of jobs submitted to the enterprise scheduling agent;
> a presentation system configured to accept and validate parameters identifying at least one job to be submitted for execution on at least one of said nodes; and

a job scheduler configured to allocate at least one job based on said parameters to at least one enterprise scheduling agent and to submit the allocated jobs to said at least one enterprise scheduling agent.

Applicants respectfully submit that the combination of *Barroux* and *Cotichini* as proposed by the Examiner fails to disclose, teach, or suggest elements specifically recited in independent Claims 1.

1. *The Barroux-Cotichini Combination Fails to Disclose the "Enterprise Scheduling Agent"*

As one example, the proposed *Barroux-Cotichini* combination fails to disclose, teach, or suggest at least "an enterprise scheduling agent installed on each node and configured to launch execution of jobs submitted to the enterprise scheduling agent," as recited in independent Claim 1.

The portions of *Barroux* cited by the Examiner discuss "an integrated resource" that queries a database and computes a schedule of tasks to be executed. The integrated resource in *Barroux* includes databases, an engine, and probes. According to *Barroux*, "Integrated resource 200 is a tool for collecting and managing information about nodes of network 202." (Col. 3, ll. 60-61) As shown in Figure 2 of *Barroux*, integrated resource 200 is separate and distinct from nodes 218. (Elements 218 in Figure 2 are identified as "nodes 218." *See* Column 3, line 66.)

The Examiner asserts that the integrated resource 200 disclosed in *Barroux* can properly be interpreted as "an enterprise scheduling agent installed on each node and configured to launch execution of jobs submitted to the enterprise scheduling agent." (Office Action, ¶ 6) Applicants respectfully traverse the Examiner's position. As discussed above, the integrated resource 200 in *Barroux* is separate and distinct from the nodes 218 disclosed in *Barroux*. In fact, the Examiner even states that *Barroux* "does not specifically teach an agent installed on each node." (Office Action, ¶ 8) Accordingly, *Barroux* does not disclose, teach, or suggest that the integrated resource 200 is installed on a node. Rather, in regard to this element, *Barroux* actually teaches away from the claimed invention.

Furthermore, *Barroux* discloses that the integrated resource 200 receives survey information such as information about the configuration of individual nodes. (Col. 3, ln. 60 - Col. 4, ln. 4) *Barroux* does not disclose that the integrated resource is "configured to launch the execution of" this survey information. Simply put, the "survey information" as taught by *Barroux* cannot be properly construed as the "jobs submitted to the enterprise scheduling agent."

For at least these reasons, the *Barroux-Cotichini* combination fails to disclose, teach, or suggest "an enterprise scheduling agent installed on each node and configured to launch execution of jobs submitted to the enterprise scheduling agent," as recited, in part, in independent Claim 1.

2. *The Barroux-Cotichini Combination Fails to Disclose the "Job Scheduler"*

As another example, the proposed *Barroux-Cotichini* combination fails to disclose, teach, or suggest at least a "a job scheduler configured to allocate at least one job based on said parameters to at least one enterprise scheduling agent and to submit the allocated jobs to said at least one enterprise scheduling agent," as recited, in part, in independent Claim 1.

The Examiner asserts that the integrated resource 200 in *Barroux* can be properly construed as the "enterprise scheduling agent." (Office Action, ¶ 6) Applicants respectfully traverse the Examiner's position. In particular, the Examiner has not identified any element or elements which could be construed as a "job scheduler," as recited in independent Claim 1. Rather, the Examiner cites to Column 1, lines 59-67 in support of this claim element. (Office Action, ¶ 8). These cited portions discuss "a data structure with a plurality of schedule parameters," wherein the "user may specify values for one or more scheduling parameters." (Column 1, lines 59-64). However, even if these schedule parameters could be properly construed as jobs, these cited portions fail to identify any structure or module that could properly be construed as a "job scheduler configured to allocate at least one job" and "to submit the allocated jobs to" the integrated resource 200. Accordingly, the *Barroux-Cotichini* combination fails to disclose, teach, or suggest "a job scheduler configured to allocate at least one job based on said parameters to at least one enterprise scheduling agent

and to submit the allocated jobs to said at least one enterprise scheduling agent," as recited, in part, in independent Claim 1.

> 3. *The Examiner's Alternative Construction Fails to Remedy the Deficiencies in Barroux*

In an alternative construction, the Examiner asserts that *Barroux* "teaches multiple probes that can be interpreted as agents that reside on a node." (Office Action, Page 26) Based on this assertion, the Examiner concludes that the proposed *Barroux-Cotichini* combination teaches "One node having an enterprise scheduling agent installed on it and configured to launch execution of jobs submitted to the enterprise scheduling agent." (Office Action, ¶ 134) Applicants respectfully traverse the Examiner's position.

Barroux discloses that the integrated resource includes SNMP probes and RPC probes. As shown in Figure 2, the SNMP probes 214 and the RPC probes 216 in *Barroux* are separated from the nodes 218 by network 202. (Elements 218 in Figure 2 are identified as "nodes 218." *See* Column 3, line 66.) Similar to the integrated resource 200 discussed above, the probes in *Barroux* are separated from the nodes by network 202, therefore the probes in *Barroux* cannot properly be construed as "an enterprise scheduling agent *installed on each node.*" Accordingly, neither the SNMP probes nor the RPC probes disclosed in *Barroux* can be properly construed as "an enterprise scheduling agent installed on each node and configured to launch execution of jobs submitted to the enterprise scheduling agent," as recited in independent Claim 1.

Furthermore, *Barroux* fails to disclose, teach, or suggest that the SNMP probes or the RPC probes are "configured to launch execution of jobs *submitted* to" those probes. Moreover, as shown above, even if the probes disclosed in *Barroux* could be properly construed as the Examiner asserts, *Barroux* does not disclose, teach, or suggest "a job scheduler configured to . . . submit allocated jobs to" those probes.

> 4. *The Proposed Combination with Cotichini Fails to Overcome the Inadequacies of Barroux*

The Examiner asserts that *Cotichini* "teaches an agent installed on each node." (Office Action, Page 3) However, even if the proposed *Barroux-Cotichini* combination were

proper, Applicants respectfully submit that the proposed combination fails to overcome the inadequacies of *Barroux* identified above.

Cotichini discloses a system where embedded software is used to monitor electronic devices. According to *Cotichini*, the embedded software includes "a pre-defined task set." (Col. 2, ln. 34) Accordingly, anything that may be launched by the embedded software must be pre-defined, as opposed to being "submitted to" the embedded software. Thus, the embedded software in *Cotichini* cannot be properly construed as "an enterprise scheduling agent . . . configured to launch execution of jobs submitted to the enterprise scheduling agent," because *Cotichini* does not disclose that any jobs are submitted to the embedded software. Similarly, *Cotichini* also fails to disclose "a job scheduler configured to . . . submit the allocated jobs to said at least one enterprise scheduling agent." As with *Barroux*, because *Cotichini* fails to disclose jobs "**submitted** to" the embedded software, *Cotichini* necessarily fails to disclose, teach, or suggest "a job scheduler configured to . . . *submit* allocated jobs to the" embedded software.

Independent Claim 1, is allowable for at least these reasons. Independent Claims 46 and 49 are allowable for at least substantially the same reasons as discussed above with respect to Claim 1. For at least these reasons, Applicants respectfully request reconsideration and allowance of independent Claims 1, 46, and 49.

B. *Independent Claims 25, 45, and 50*

Independent Claim 25, as amended, recites:

> A method of scheduling jobs across multiple networked computing platforms, comprising:
> determining, at a first location, at least one job to be scheduled based on job parameters for the at least one job;
> sending the at least one job to at least one enterprise scheduling agent maintained on a selected node of the computer platforms; and
> executing the at least one job on the selected node under management of the enterprise scheduling agent;
> wherein the first location is communicatively coupled to the selected node by a network.

Applicants respectfully submit that the proposed *Barroux-Cotichini* combination fails to disclose, teach, or suggest elements specifically recited in independent Claims 25, as amended.

1. *The Barroux-Cotichini Combination Fails to Disclose "Sending the at Least One Job to at Least One Enterprise Scheduling Agent"*

As one example, *Barroux* fails to disclose, teach, or suggest at least "sending the at least one job to at least one enterprise scheduling agent maintained on a selected node of the computer platforms," as recited in independent Claim 25.

The Examiner asserts that Column 5, lines 11-27 of *Barroux* disclose this element. (Office Action, Page 7) The portion cited by the Examiner discusses "special characteristics" for each node, such as "peaks in network traffic," and the complexities of "scheduling for a large network." *Barroux* describes these "special characteristics" as being based on the daily or weekly traffic levels for particular nodes. (Column 5, lines 11-27) The Examiner has not identified, and the cited portions do not disclose, anything that can be construed as "at least one job" that is sent "to at least one enterprise scheduling agent." Moreover, as discussed above, *Barroux* fails to disclose, teach, or suggest "an enterprise scheduling agent maintained on a selected node." Accordingly, the *Barroux-Cotichini* combination fails to disclose, teach, or suggest "sending said at least one job to at least one enterprise scheduling agent maintained on a selected node of said computer platforms," as recited in independent Claim 25.

2. *The Barroux-Cotichini Combination Fails to Disclose "Executing the at Least One Job on the Selected Node"*

As another example, *Barroux* fails to disclose, teach, or suggest "executing the at least one job on the selected node under management of the enterprise scheduling agent," as recited in independent Claim 25.

The portions of *Barroux* cited by the Examiner discuss an integrated resource 200 for collecting and managing survey information by interacting on a network with nodes 218. (Col. 3, ln. 42 - Col. 4, ln. 30) However, the cited portions do not disclose, and the Examiner

has not identified, any job being "executed" on a "selected node under management of the enterprise scheduling agent." Rather, as discussed above, and acknowledged by the Examiner, *Barroux* does not disclose an "enterprise scheduling agent maintained on a selected node of said computer platforms." (Office Action, Page 7) Accordingly, *Barroux* necessarily fails to disclose "executing the at least one job on the selected node under management of *the enterprise scheduling agent*," as recited in independent Claim 25.

3. *The Barroux-Cotichini Combination Fails to Disclose "the First Location is Communicatively Coupled to the Selected Node by a Network"*

Claim 25, as amended, recites "determining, *at a first location*, at least one job to be scheduled . . . sending the at least one job to at least one enterprise scheduling agent maintained *on a selected node* . . . and executing the at least one job *on the selected node* under management of the enterprise scheduling agent . . . wherein *the first location is communicatively coupled to the selected node by a network*." In contrast, *Barroux* discloses a method for scheduling tasks on a network using an integrated resource that computes a schedule of tasks (Column 4, lines 20-22), compares the task schedule to a clock (Column 6, lines 27-42), and at the appropriate time launches the scheduled task (Column 6, lines 56-58). In *Barroux*, all of these functions are performed by the integrated resource and the components that perform them are co-located. Accordingly, the *Barroux-Cotichini* combination fails to disclose, teach, or suggest the functionality recited in Claim 25 and "wherein *the first location is communicatively coupled to the selected node by a network*."

4. *The Proposed Combination with Cotichini Fails to Overcome the Inadequacies of Barroux*

The Examiner asserts that *Cotichini* "teaches agent maintained on a selected nodes of said computer platforms." (Office Action, Page 7) However, even if the proposed *Barroux-Cotichini* combination were proper, Applicants respectfully submit that the proposed combination fails to overcome the inadequacies of *Barroux* identified above.

The portions of *Cotichini* cited by the Examiner merely disclose a system including a client with embedded software, a network, and a host. (Col. 6, ll. 22-30) However, the embedded software disclosed in *Cotichini* includes "a pre-defined task set." (Col. 2, ln. 34)

Thus, even if the task set could be construed as a job and the embedded software could be construed as an enterprise scheduling agent, any job associated with the embedded software in *Cotichini* must be "pre-defined" within the embedded software, as opposed to being a job that is sent. Accordingly, *Cotichini* fails to disclose "sending the at least one job to at least one enterprise scheduling agent maintained on a selected node of the computer platforms." Furthermore, because *Cotichini* fails to disclose "jobs submitted to the" embedded software, *Cotichini* necessarily fails to disclose "executing the at least one job on the selected node under management of the enterprise scheduling agent." Similarly, *Cotichini* also necessarily fails to disclose "executing the at least one job on the selected node under management of the enterprise scheduling agent."

Independent Claim 25, is allowable for at least these reasons. Independent Claims 45 and 50 are allowable for at least substantially the same reasons as discussed above with respect to Claim 25. For at least these reasons, Applicants respectfully request reconsideration and allowance of independent Claims 25, 45, and 50.

C. Dependent Claims

Dependent claims 2-24, 27-44, and 47-48 are allowable based on their dependence on the independent claims shown above to be allowable, and further because they recite numerous additional patentable distinctions over the references cited by the Examiner. Because Applicants believe they have amply demonstrated the patentability of the independent claims over the references, and to avoid burdening the record, Applicants have not provided detailed remarks concerning these dependent claims. Applicants, however, reserve the opportunity to provide such remarks if it becomes appropriate to do so. Applicants respectfully request reconsideration and allowance of dependent Claims 2-24, 27-44, and 47-48.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of all pending claims.

If there are matters that can be discussed by telephone to further the prosecution of this Application, Applicants invite the Examiner to call the undersigned attorney at (214) 953-6581 at the Examiner's convenience.

Applicants believe that no fees are due, however, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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